

JAN 11 2019
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

STEVEN E. CLEM,

Plaintiffs,

v.

SCOTT H. JENKINS, individually and
in his official capacity as Sheriff of
Culpeper County, Virginia, et al.,

Defendant.

Civil Action No. 3:18CV00049

ORDER

By: Hon. Glen E. Conrad
Senior United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is hereby

ORDERED

as follows:

1. The pending motions to dismiss are **GRANTED** as to the plaintiff's claims under 42 U.S.C. § 1983 and those claims are **DISMISSED WITHOUT PREJUDICE**;
2. The court declines to exercise supplemental jurisdiction over the plaintiff's claims under state law and those claims are **DISMISSED WITHOUT PREJUDICE**;
3. The plaintiff's request for leave to file an amended complaint is **GRANTED**;
4. Any amended complaint must be filed within fourteen (14) days;
5. If no amended complaint is filed within the specified time period, the case will be dismissed and stricken from the court's active docket; and
6. If the plaintiff elects to file an amended complaint that includes Charles Burgoon as a defendant, the plaintiff shall file a separate brief explaining why the claims against Burgoon are not subject to dismissal under Rule 4(m) of the Federal Rules of Civil Procedure.

The Clerk is directed to send copies of this order to all counsel of record.

DATED: This 11th day of January, 2019.

Glen Conrad

Senior United States District Judge